



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2261

DATE SCANNED 10/20/11

SCANNER NO. 2

SCAN OPERATOR ECS

11092672585



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *SW/NUE*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY
PRE-GENERAL REPORT (FLORIDA, OHIO, NORTH CAROLINA,
TENNESSEE, TEXAS, VIRGINIA AND WISCONSIN) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to timely file the 2010 12 Day Pre-General Report for the Florida, Ohio, North Carolina, Tennessee, Texas, Virginia and Wisconsin General Election in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-General Report was due on October 21, 2010, and the General Election was held on November 2, 2010.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
 2. Send the appropriate letters.
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Federal Election Commission
Reason to Believe Circulation Report
2010 PRE-GENERAL Election Sensitive 10/21/2010 AUTH (FL, OH, NC, TN, TX, VA, AND WI)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2255	C00462531	COMMITTEE TO ELECT DR GREG RABIDOUX	RABIDOUX, GREG ROBERT DR	KIMBERLEE E. SMITH	\$108,889	0	10/27/2010	6	\$19,611	\$210
2256	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D	CHUCK MOGBO	\$190,936	1		Not Filed	\$38,187 (est)	\$1,750
2257	C00254573	EDDIE BERNICE JOHNSON FOR CONGRESS	JOHNSON, EDDIE BERNICE	RANDY WHITAKER	\$971,582	0	10/27/2010	6	\$19,839	\$210
2258	C00467043	JEFF DOCTOR FOR CONGRESS	DOCTOR, JEFFREY JAMES	SHARI-ELLEN GOLDSTEIN	\$195,817	0		Not Filed	\$32,636 (est)	\$1,400
2259	C00478123	JOHN ANDERSON FOR CONGRESS	ANDERSON, JOHN DAVID	RONALD JOSEPH LOPEZ	\$227,535	0		Not Filed	\$56,884 (est)	\$3,300
2260	C00469189	KOLOSSO FOR CONGRESS ELECTION COMMITTEE	KOLOSSO, TODD P	DANIEL L. KYLE	\$340,219	0	12/10/2010	Not Filed	\$106	\$106
2261	C00477141	O'NEILL FOR CONGRESS 2010	O'NEILL, WILLIAM MICHAEL	JAMES MUELLER	\$236,378	0	11/1/2010	Not Filed	\$19,287	\$990
2262	C00481259	RICK WAUGH FOR CONGRESS	WAUGH, RICKARD ELIAN JR	BRENDA SUE HILL	\$205,206	0	10/28/2010	7	\$29,246	\$505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
12 Day Pre-General Report (Florida, Ohio,)
North Carolina, Tennessee, Texas, Virginia)
and Wisconsin) for the Administrative Fine)
Program:)
RICK WAUGH FOR CONGRESS, and) AF# 2262
BRENDA SUE HILL as treasurer;)
COMMITTEE TO ELECT DR GREG) AF# 2255
RABIDOUX, and KIMBERLEE E SMITH)
as treasurer;)
COMMITTEE TO ELECT RODERICK) AF# 2256
VEREEN FOR CONGRESS, and CHUCK)
MOGBO as treasurer;)
EDDIE BERNICE JOHNSON FOR) AF# 2257
CONGRESS, and WHITAKER, RANDY)
as treasurer;)

JOHN ANDERSON FOR CONGRESS,) AF# 2259
and RONALD JOSEPH LOPEZ as)
treasurer;)
KOLOSSO FOR CONGRESS ELECTION) AF# 2260
COMMITTEE, and KYLE, DANIEL L as)
treasurer;)
O'NEILL FOR CONGRESS 2010, and) AF# 2261
JAMES MUELLER as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 21, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 12 Day Pre-General Report (Florida, Ohio, North Carolina, Tennessee, Texas, Virginia and Wisconsin) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 17, 2010, on the following committees:

AF#2262 Decided by a vote of 6-0 to: (1) find reason to believe that RICK WAUGH FOR CONGRESS, and BRENDA SUE HILL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2255 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT DR GREG RABIDOUX, and KIMBERLEE E SMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2256 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2257 Decided by a vote of 6-0 to: (1) find reason to believe that EDDIE BERNICE JOHNSON FOR CONGRESS, and WHITAKER, RANDY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2259 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN ANDERSON FOR CONGRESS, and RONALD JOSEPH LOPEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2260 Decided by a vote of 6-0 to: (1) find reason to believe that KOLOSSO FOR CONGRESS ELECTION COMMITTEE, and KYLE, DANIEL L as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2261 Decided by a vote of 6-0 to: (1) find reason to believe that O'NEILL FOR CONGRESS 2010, and JAMES MUELLER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 21, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2010

James Mueller, in official capacity as Treasurer
O'Neill for Congress 2010
P.O. Box 601
Chagrin Falls, OH 44022

C00477141
AF#: 2261

Dear Mr. Mueller:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through October 13, 2010, shall be filed no later than October 21, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 2, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. § 437g(a)(4). On December 21, 2010, the FEC found that there is reason to believe ("RTB") that O'Neill for Congress 2010 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 21, 2010.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by January 30, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$19,287

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 2, 2010 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 30, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that O'Neill for Congress 2010 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

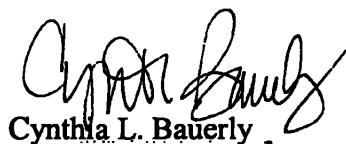
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Vice Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 30, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: O'Neill for Congress 2010

FEC ID#: C00477141

AF#: 2261

PAYMENT DUE DATE: January 30, 2011

PAYMENT AMOUNT DUE: \$990

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall *JW SP*
Compliance Branch

SUBJECT: Final Determination Recommendation for the 2010 12 Day Pre-General Report (Florida, Ohio, North Carolina, Tennessee, Texas, Virginia and Wisconsin) for the Administrative Fine Program

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2010 12 Day Pre-General Report (Florida, Ohio, North Carolina, Tennessee, Texas, Virginia and Wisconsin). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Jeff Doctor for Congress (AF 2258) filed the 2010 12 Day Pre-General Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$2,075 (previously estimated to be \$32,636), thus the fine would be lowered from \$1,400 to \$550.

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In addition, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Rick Waugh for Congress (AF 2262) filed an Amended Statement of Organization after the RTB finding designating Amy Shull as Treasurer (see first list).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Paid
2010 PRE-GENERAL Election Sensitive 10/21/2010 AUTH (FL, OH, NC, TN, TX, VA, WI)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2255	COMMITTEE TO ELECT DR GREG RABIDOUX	RABIDOUX, GREG ROBERT DR.	C00462531	KIMBERLEE E. SMITH	10/27/2010	6	\$19,811	0	12/21/2010	\$210	\$210	01/27/2011	\$210
2256	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D.	C00462928	CHUCK MOGBO	01/19/2011	Not Filed	\$27,755	1	12/21/2010	\$1,750	\$1,750	02/07/2011	\$1,750
2257	EDDIE BERNICE JOHNSON FOR CONGRESS	JOHNSON, EDDIE BERNICE	C00254573	RANDY WHITAKER	10/27/2010	6	\$19,839	0	12/21/2010	\$210	\$210	01/06/2011	\$210
2252	RICK WAUGH FOR CONGRESS	WAUGH, RICKARD ELIAN JR.	C00461259	AMY SHULL	10/28/2010	7	\$29,246	0	12/21/2010	\$505	\$505	01/27/2011	\$505

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5/5/2011 8:20 AM

Federal Election Commission
FD Circulation Report Fine Not Paid
2010 PRE-GENERAL Election Sensitive 10/21/2010 AUTH (FL, OH, NC, TN, TX, VA, WI)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2258	JEFF DOCTOR FOR CONGRESS	DOCTOR, JEFFREY JAMES	C00467043	SHARI-ELLEN GOLDSTEIN	02/28/2011	Not Filed	\$2,075	0	12/21/2010	\$1,400	135	\$550
2259	JOHN ANDERSON FOR CONGRESS	ANDERSON, JOHN DAVID	C00478123	RONALD JOSEPH LOPEZ	12/28/2010	Not Filed	\$73,442	0	12/21/2010	\$3,300	135	\$3,300
2260	KOLOSSO FOR CONGRESS ELECTION COMMITTEE	KOLOSSO, TODD P.	C00469189	DANIEL KYLE	12/10/2010	Not Filed	\$155	0	12/21/2010	\$106	135	\$106
2261	O'NEILL FOR CONGRESS 2010	O'NEILL, WILLIAM MICHAEL	C00477141	JAMES MUELLER	11/01/2010	Not Filed	\$19,826	0	12/21/2010	\$990	135	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 12 Day Pre-)
General Report (FL, OH, NC, TN, TX, VA)
and WI):)
COMMITTEE TO ELECT DR GREG) AF# 2255
RABIDOUX, and KIMBERLEE E SMITH)
as treasurer;)
COMMITTEE TO ELECT RODERICK) AF# 2256
VEREEN FOR CONGRESS, and CHUCK)
MOGBO as treasurer;)
EDDIE BERNICE JOHNSON FOR) AF# 2257
CONGRESS, and WHITAKER, RANDY)
as treasurer;)
JEFF DOCTOR FOR CONGRESS, and) AF# 2258
SHARI-ELLEN GOLDSTEIN as treasurer;)
JOHN ANDERSON FOR CONGRESS,) AF# 2259
and RONALD JOSEPH LOPEZ as)
treasurer;)
KOLOSSO FOR CONGRESS ELECTION) AF# 2260
COMMITTEE, and DANIEL KYLE as)
treasurer;)
O'NEILL FOR CONGRESS 2010, and) AF# 2261
JAMES MUELLER as treasurer;)
RICK WAUGH FOR CONGRESS, and) AF# 2262
SHULL, AMY as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 06, 2011 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 12 Day Pre-General Report (FL, OH, NC, TN, TX, VA and WI), as recommended in the Reports Analysis Division's Memorandum dated May 04, 2011, on the following committees:

AF#2255 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT DR GREG RABIDOUX, and KIMBERLEE E SMITH as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2256 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2257 Decided by a vote of 6-0 to: (1) make a final determination that EDDIE BERNICE JOHNSON FOR CONGRESS, and WHITAKER, RANDY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2258 Decided by a vote of 6-0 to: (1) make a final determination that JEFF DOCTOR FOR CONGRESS, and SHARI-ELLEN GOLDSTEIN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2259 Decided by a vote of 6-0 to: (1) make a final determination that JOHN ANDERSON FOR CONGRESS, and RONALD JOSEPH LOPEZ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2260 Decided by a vote of 6-0 to: (1) make a final determination that KOLOSSO FOR CONGRESS ELECTION COMMITTEE, and DANIEL KYLE as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2261 Decided by a vote of 6-0 to: (1) make a final determination that O'NEILL FOR CONGRESS 2010, and JAMES MUELLER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2262 Decided by a vote of 6-0 to: (1) make a final determination that RICK WAUGH FOR CONGRESS, and SHULL, AMY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 9, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092672602



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 9, 2011

James Mueller, in official capacity as Treasurer
O'Neill for Congress 2010
P.O. Box 601
Chagrin Falls, OH 44022

C00477141
AF#: 2261

Dear Mr. Mueller:

On December 21, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that O'Neill for Congress 2010 and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2010 Pre-General Report. By letter dated December 22, 2010, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, its treasurer was required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. The amount of the level of activity has been changed to reflect the actual level of activity of the Amended 2010 Pre-General Report.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on May 6, 2011 that you, in your official capacity as treasurer, and O'Neill for Congress 2010 violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$990 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$19,826

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 2, 2010 are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

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which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$990 for the 2010 Pre-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: O'Neill for Congress 2010

FEC ID#: C00477141

REPORT: 2010 Pre-General

AF#: 2261

PAYMENT AMOUNT DUE: \$990

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**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 23, 2010

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
- II. The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any chance in the amount, validity or legal enforceability of the Debt.
 2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

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- e. For Debts outstanding more than ten years on or before December 31, 2009, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 31, 2009 (e.g., student loans debts, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
 - i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2261

DATE SCANNED 10/20/11

SCANNER NO. 2

SCAN OPERATOR EES

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